

House File 2355

H-8225

1 Amend House File 2355 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 96.2, Code 2022, is amended to read as  
4 follows:

5 **96.2 Guide for interpretation.**

6 As a guide to the interpretation and application of this  
7 chapter, the public policy of this state is declared to be as  
8 follows: Economic insecurity due to unemployment ~~is a serious~~  
9 ~~menace to~~ negatively impacts the health, morals, and welfare  
10 of the people of this state Iowa. ~~Involuntary unemployment~~  
11 ~~is therefore a subject of general interest and concern which~~  
12 ~~requires appropriate action by the legislature to prevent~~  
13 ~~its spread and to lighten its burden which now so often~~  
14 ~~falls with crushing force upon the unemployed worker and the~~  
15 ~~worker's family. The achievement of social security requires~~  
16 ~~protection against this greatest hazard of our economic~~  
17 ~~life. This can be provided~~ These undesirable consequences can  
18 be reduced by encouraging employers to provide more stable  
19 employment and by the systematic accumulation of funds during  
20 periods of employment to provide benefits for periods of  
21 unemployment, ~~thus maintaining purchasing power and limiting~~  
22 ~~the serious social consequences of poor relief assistance.~~  
23 ~~The legislature, therefore, declares that in its considered~~  
24 ~~judgment the public good and the general welfare of the~~  
25 ~~citizens of this state require the enactment of this measure,~~  
26 ~~under the police powers of the state, for the compulsory~~  
27 ~~setting aside of unemployment reserves to be used for the~~  
28 ~~benefit of persons.~~ This chapter provides for payment of  
29 benefits to workers unemployed through no fault of their own.  
30 The policy herein is intended to encourage stabilization in  
31 employment, to provide for integrated employment and training  
32 services in support of state economic development programs, and  
33 to provide meaningful job training and employment opportunities  
34 for the unemployed, underemployed, economically disadvantaged,  
35 dislocated workers, and others with substantial barriers to

1 employment. To further this public policy, the state, through  
2 its department of workforce development, will maintain close  
3 coordination among all federal, state, and local agencies  
4 whose missions affect the employment or employability of the  
5 unemployed and underemployed.

6 Sec. 2. Section 96.3, subsection 5, paragraph a, Code 2022,  
7 is amended to read as follows:

8 *a. Duration of benefits.* The maximum total amount of  
9 benefits payable to an eligible individual during a benefit  
10 year shall not exceed the total of the wage credits accrued to  
11 the individual's account during the individual's base period,  
12 or ~~twenty-six~~ sixteen times the individual's weekly benefit  
13 amount, whichever is the lesser. The director shall maintain  
14 a separate account for each individual who earns wages in  
15 insured work. The director shall compute wage credits for  
16 each individual by crediting the individual's account with  
17 one-third of the wages for insured work paid to the individual  
18 during the individual's base period. However, the director  
19 shall recompute wage credits for an individual who is laid  
20 off due to the individual's employer going out of business at  
21 the factory, establishment, or other premises at which the  
22 individual was last employed, by crediting the individual's  
23 account with one-half, instead of one-third, of the wages for  
24 insured work paid to the individual during the individual's  
25 base period. Benefits paid to an eligible individual shall  
26 be charged against the base period wage credits in the  
27 individual's account which have not been previously charged,  
28 in the inverse chronological order as the wages on which the  
29 wage credits are based were paid. However if the state "off"  
30 indicator is in effect and if the individual is laid off due to  
31 the individual's employer going out of business at the factory,  
32 establishment, or other premises at which the individual was  
33 last employed, the maximum benefits payable shall be extended  
34 to ~~thirty-nine~~ twenty-six times the individual's weekly benefit  
35 amount, but not to exceed the total of the wage credits accrued

1 to the individual's account.>

2 2. Page 1, after line 19 by inserting:

3 <Sec. \_\_\_\_\_. Section 96.4, Code 2022, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 8. The individual has satisfied a single  
6 one-week waiting period during the individual's benefit year.  
7 To satisfy the one-week waiting period, the individual, with  
8 respect to the week in question, must otherwise be eligible  
9 for benefits from this state, must not have received or have  
10 payable benefits from this state, and must not be eligible for  
11 benefits from another state.

12 Sec. \_\_\_\_\_. Section 96.5, subsection 2, Code 2022, is amended  
13 by adding the following new paragraph:

14 NEW PARAGRAPH. d. For the purposes of this subsection,  
15 "*misconduct*" means a deliberate act or omission by an  
16 employee that constitutes a material breach of the duties  
17 and obligations arising out of the employee's contract of  
18 employment. Misconduct is limited to conduct evincing such  
19 willful or wanton disregard of an employer's interest as  
20 is found in deliberate violation or disregard of standards  
21 of behavior which the employer has the right to expect of  
22 employees, or in carelessness or negligence of such degree of  
23 recurrence as to manifest equal culpability, wrongful intent  
24 or evil design, or to show an intentional and substantial  
25 disregard of the employer's interests or of the employee's  
26 duties and obligations to the employer. Misconduct by an  
27 individual includes but is not limited to all of the following:

28 (1) Falsification of the individual's employment  
29 application.

30 (2) Knowing violation of a reasonable and uniformly  
31 enforced rule of an employer.

32 (3) Intentional damage of an employer's property.

33 (4) Dishonesty to an employer with regard to the  
34 individual's employment.

35 (5) Consumption of alcohol, illegal or nonprescribed

1 prescription drugs, or an impairing substance in a manner  
2 not directed by the manufacturer, or a combination of such  
3 substances, on the employer's premises in violation of the  
4 employer's employment policies.

5 (6) Reporting to work under the influence of alcohol,  
6 illegal or nonprescribed prescription drugs, or an impairing  
7 substance in an off-label manner, or a combination of such  
8 substances, on the employer's premises in violation of the  
9 employer's employment policies, unless the individual is  
10 compelled to work by the employer outside of scheduled or  
11 on-call working hours.

12 (7) Conduct that endangers the personal safety of the  
13 individual, coworkers, or the general public.

14 (8) Incarceration for an act for which one could reasonably  
15 expect to be incarcerated that results in missing work.

16 (9) Incarceration as a result of a misdemeanor or felony  
17 conviction by a court of competent jurisdiction.

18 (10) Excessive unexcused tardiness or absenteeism.

19 (11) Falsification of any work-related report, task, or job  
20 that could expose the employer or coworkers to legal liability  
21 or sanction for violation of health or safety laws.

22 (12) Failure to maintain any license, registration, or  
23 certification that is reasonably required by the employer or  
24 by law, or that is a functional requirement to perform the  
25 individual's regular job duties, unless the failure is not  
26 within the control of the individual.

27 (13) Conduct that is libelous or slanderous toward an  
28 employer or an employee of the employer if such conduct is not  
29 protected under state or federal law.

30 (14) Conduct creating or attempting to create dissention or  
31 animus against the employer or a coworker if such conduct is  
32 not protected under state or federal law.

33 (15) Theft of an employer or coworker's funds or property.

34 (16) Misrepresentation of time worked or work carried out  
35 that results in the individual receiving unearned wages or

1 unearned benefits.

2 Sec. \_\_\_\_\_. Section 96.5, subsection 3, paragraph a,  
3 subparagraph (1), subparagraph divisions (a), (b), (c), and  
4 (d), Code 2022, are amended to read as follows:

5 (a) One hundred percent, if the work is offered during the  
6 first ~~five weeks~~ week of unemployment.

7 (b) ~~Seventy-five~~ Ninety percent, if the work is offered  
8 during the ~~sixth~~ second through the ~~twelfth~~ third week of  
9 unemployment.

10 (c) ~~Seventy~~ Eighty percent, if the work is offered during  
11 the ~~thirteenth~~ fourth through the ~~eighteenth~~ fifth week of  
12 unemployment.

13 (d) ~~Sixty-five~~ Seventy percent, if the work is offered  
14 ~~after~~ during the ~~eighteenth~~ sixth through the ~~eighth~~ seventh week of  
15 unemployment.

16 Sec. \_\_\_\_\_. Section 96.5, subsection 3, paragraph a,  
17 subparagraph (1), Code 2022, is amended by adding the following  
18 new subparagraph division:

19 NEW SUBPARAGRAPH DIVISION. (e) Sixty percent, if the work  
20 is offered after the eighth week of unemployment.

21 Sec. \_\_\_\_\_. Section 96.6, subsection 3, paragraph b, Code  
22 2022, is amended to read as follows:

23 *b.* Appeals from the initial determination shall be heard  
24 by an administrative law judge employed by the department.  
25 An administrative law judge's decision may be appealed by  
26 any party to the employment appeal board created in section  
27 10A.601. ~~The decision of the appeal board is final agency~~  
28 ~~action and an appeal of the decision shall be made~~ or directly  
29 to the district court.>

30 3. By renumbering as necessary.

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BOUSSELOT of Polk